

EXHIBIT 1

Murphy, Michael K.

From: Batherson, John <jbatherson@ncdoj.gov>
Sent: Thursday, May 24, 2018 9:34 AM
To: Murphy, Michael K.; Guest, Kyle Neema; Kym Hunter; Nick Torrey; Thurman, Carter (ENRD); Gregg, Ragu-Jara "Juge" (ENRD)
Cc: Justice, Colin; Cozart, Mollie; Watts, Chuck D; Johnson, Daniel H
Subject: SOS OBX, Inc. v. NCDOT et al.: 45-day Notice
Importance: High

Counsel:

Paragraph 1.i. of the March 23, 2017 Scheduling Order requires that Defendants give Plaintiffs a 45-day notice before the commencement of any ground-disturbing activities ("Defendants agree to provide notice to Plaintiffs no less than 45 days before the commencement of any ground-disturbing activities other than the discrete geotechnical borings or the discrete and temporary pile test program.") As described below, we interpret the installation of the Temporary Rail System (7/9/2018) as the start date for ground disturbing activity.

May 25, 2018 marks 45 days prior to the July 9, 2018 ground-disturbing activity date. This transmission satisfies the Scheduling Order notice requirement.



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From: Batherson, John
Sent: Tuesday, April 17, 2018 8:58 AM
To: BSmith@gibsondunn.com
Cc: MMurphy@gibsondunn.com; Thurman, Carter (ENRD); Gregg, Ragu-Jara "Juge" (ENRD); Kym Hunter; Nick Torrey; Watts, Chuck D; Johnson, Daniel H; Justice, Colin
Subject: SOS OBX et al. v. NCDOT et al. (Construction Schedule Update)
Importance: High

Bryson,

We have again consulted with our client and have an update to the proposed construction schedule. Preparation for discrete geotechnical borings and discrete pile testing has been delayed. There will, however, be some equipment staged for that activity: trucks and trailers, a crane and other support equipment for the test pile program. There may also be some other materials staged over the next few months.

We interpret the installation of the Temporary Rail System (7/9/2018) as the new date for ground disturbing activity. Keep in mind these dates are tentative depending on permitting. The schedule below assumes that the full 120 day review period for permits is used.

Mobilize Equipment to Start Receiving Material: 5/28/2018

Early Demonstration Test Piles - South Heading: 6/13/2018

* Permits Received - Clearing and Grubbing/ Erosion Control: 6/20/2018

Install Temporary Rail System: 7/9/2018

* Pending coordination with Agencies and NCDOT - some activities may start earlier (such as removal of existing houses, removal of septic tanks, etc.)

Let us know if you have any questions. Obviously, this is NCDOT's best estimate.



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